



Ordinary Council Meeting

Supplementary Agenda

Wednesday 21 February 2024

CITY OF BUSSELTON

Supplementary Agenda for the Council Meeting to be held on Wednesday 21 February 2024

TABLE OF CONTENTS

14 CORPORATE STRATEGY AND PERFORMANCE REPORTS3
14.1 COMMITTEE AND WORKING GROUP APPOINTMENTS3

14 CORPORATE STRATEGY AND PERFORMANCE REPORTS

14.1 Committee and Working Group Appointments

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Legal and Governance - Ben Whitehill
Authorised By:	Director of Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

OFFICER RECOMMENDATION

That the Council:

1. Appoint Councillor Richard Beecroft to the following committees pursuant to section 5.8 and 5.11A of the *Local Government Act 1995*:
 - a. Audit and Risk Committee; and
 - b. Airport Advisory Committee (second deputy).
2. Appoint the following elected members to the following committees pursuant to section 5.8 and 5.11A of the *Local Government Act 1995*, to fill the vacancy created by the resignation of (former) Councillor Sue Riccelli:

CEO Performance Review Committee

- a. Member

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Finance Committee

- a. Member

....

3. Appoints elected members to the newly established Waterways Management Committee pursuant to section 5.8 and 5.11A of the *Local Government Act 1995*:

- a. Members

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- b. Deputy Members

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4. **Appoints Dr Bob Jarvis, Lyndon Miles, Albert Haak, Shirley Fisher, Tony Smurthwaite, Kelly Paterson, Kerry Grist, Kerry Stewart and Danae Plowman to the Meelup Regional Park Committee pursuant to section 5.8 of the *Local Government Act 1995*.**

ABSOLUTE MAJORITY REQUIRED (RECOMMENDATIONS 1-4)

5. **Appoint Councillor to the Busselton Jetty Reference Group.**
6. **Amend the meeting dates for the Meelup Regional Park Committee from 6 March 2024 and 6 November 2024 to 25 March 2024 and 25 November 2024.**

EXECUTIVE SUMMARY

The resignation of (former) Councillor Sue Riccelli has created vacancies on various committees and working groups. This report recommends that her replacement, Councillor elect Richard Beecroft, be appointed to the vacant positions where he has nominated, and then otherwise seek nominations from elected members.

The establishment of the Waterways Management Committee by the Council at its meeting on 31 January 2024 has also required the appointment of elected members to this committee. This report recommends that the Council receive nominations and appoint elected members to the Waterways Management Committee.

The Meelup Regional Park Committee requires the appointment of other persons comprising between six and eight community members, with up to three of these members to be representatives of the Friends of Meelup Regional Park Incorporated Association. This report recommends that the Council appoint the nominated other persons to the Meelup Regional Park Committee.

STRATEGIC CONTEXT

The appointment of elected members and other persons to committees and working groups supports the good governance of the district.

BACKGROUND

(Former) Councillor Sue Riccelli was re-elected as a councillor on 21 October 2023 for a 4-year term ending on 16 October 2027. At a special meeting on 25 October 2023, Cr Riccelli was appointed as a member of the Audit and Risk Committee, Finance Committee, CEO Performance Review Committee and Busselton Jetty Reference Group; and as second deputy to the Airport Advisory Committee and fourth deputy to the Policy and Legislation Committee.

On 25 January 2024, Cr Riccelli notified the CEO of her resignation as a councillor effective 14 February 2024. Reforms to the *Local Government Act 1995 (WA) (Act)* mean that if a vacancy occurs within a 12-month period after an ordinary election then that vacancy may be filled by the first and second unelected candidates under Schedule 4.1A of the Act, in lieu of holding an extraordinary election.

At the 21 October 2023 election Valerie Kaigg was the first unelected candidate and Richard Beecroft was the second unelected candidate. The first unelected candidate Valerie Kaigg has already accepted an extraordinary vacancy and is an elected member following the resignation of Cr Cherise Woodhams in November 2023. Consequently, the CEO notified Richard Beecroft as the second unelected candidate of the vacancy following the resignation of Cr Riccelli. Richard Beecroft has by statutory declaration advised the CEO that he wants to fill the vacancy and that he is qualified to be elected to the Council under section 2.19 of the Act. It is intended that he will be sworn in by completing the declaration under section 2.29 of the Act prior to the meeting where this report will be considered.

In addition to the appointments relating to (former) Cr Riccelli's resignation, committee appointments for the Waterways Management Committee and Meelup Regional Park Committee must be resolved.

At its meeting on 31 January 2024 the Council decided to establish the Waterways Management Committee. The terms of reference for the Waterways Management Committee state that the membership is to comprise up to four elected members (as well as two other persons) and two deputy elected members.

The Meelup Regional Park Committee terms of reference state that the membership of the committee is to comprise two elected member, two deputy elected members and between six and eight community members, with up to three of these members to be representatives of the Friends of Meelup Regional Park Incorporated Association. The elected members were appointed to the committee at the special meeting on 25 October 2023. The community members are yet to be appointed to the committee. It is also proposed to amend the 2024 meeting dates for the Meelup Regional Park Committee to better align to the schedule for Meelup Regional Park Working Group meetings in 2024.

OFFICER COMMENT

The CEO has approached Councillor elect Beecroft on appointments to committees and working groups. Councillor elect Beecroft has indicated that he is agreeable with nominating for the vacant Audit and Risk Committee member position and the Airport Advisory Committee deputy member position. It is therefore recommended that the Council accept the nominations of Councillor elect Beecroft and that he be appointed as a member of the Audit and Risk Committee and as second deputy to the Airport Advisory Committee.

With regards to the Finance Committee, CEO Performance Review Committee and Busselton Jetty Reference Group, it is recommended that elected members who are not already appointed to those committees or working groups be asked to nominate for the vacant positions.

With regards to the fourth deputy member position of the Policy and Legislation Committee, while the terms of reference specify four deputy members, it is not recommended that Councillor elect Beecroft be appointed, as he has not nominated for that position.

For the Waterways Management Committee that was established at the council meeting on 31 January 2024, it is recommended that the Council receive nominations and appoint up to four elected members and two deputy members to the Waterways Management Committee in accordance with the terms of reference. Where there are more nominations than vacant positions a secret ballot will be conducted. Officers will tally the results with the members receiving the most votes being appointed to the committee or working group.

Finally, in accordance with its terms of reference, it is recommended that the Council appoint Dr Bob Jarvis, Lyndon Miles, Albert Haak, Shirley Fisher, Tony Smurthwaite, Kelly Paterson, Kerry Stewart and Danae Plower to the Meelup Regional Park Committee. The nominated other persons are recommended based on their knowledge and involvement with the management of Meelup Regional Park.

It is also proposed to amend the 2024 meeting dates for the Meelup Regional Park Committee to align with the meeting dates for the associated working group. The proposed new meeting dates for the Meelup Regional Park Committee are 25 March 2024 and 25 November 2024 in place of the existing dates adopted by the Council of 6 March 2024 and 6 November 2024.

Statutory Environment

Section 5.10 of the Act deals with the appointment of committee members. Section 5.11A of the Act deals with the appointment of deputy committee members. Section 5.11 of the Act deals with the tenure of committee membership.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

Not applicable.

Financial Implications

There are no specific financial implications associated with the appointment of members to committees and groups, as the costs related to travel (where required) and other related expenses have been allocated in the annual budget. It is not recommended that the other persons appointed to the Meelup Regional Park Committee be paid attendance fees.

External Stakeholder Consultation

Not Applicable

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could otherwise determine the committee and working group appointments. For example, the Council could choose to elevate the first deputies to members of the relevant committees and working groups. This would result in

Cr Love as first deputy for both the Finance Committee and CEO Performance Review Committee being appointed as member of those committees, and Cr Ryan as first deputy for the Busselton Jetty Reference Group being appointed as member of that reference group. The Council could then seek nominations for and appoint new deputy members.

CONCLUSION

The appointment of elected members and other persons to committees and working groups will support the good governance of the district.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Committee and working group appointments updated	February 2024